IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

OP.No. 20992 of 2000(Y)

PETITIONER:

U.RAMACHANDRAN,
S/O MADHAVAN NAIR,
PACKER, LAKSHADWEEP CO-OPERATIVE MARKETING
FEDERATION LTD. NO.LMA 11
P.O. BEYPORE, CALICUT-15

BY ADV. SRI.BABU KARUKAPADATH
SRI.M.A.ABDUL HAKHIM

RESPONDENTS:
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1. LAKSHADWEEP CO-OPERATIVE MARKETING
FEDERATION LTD NO.LMA 11,
BEYPORE, CALICUT-15 REP. BY ITS SECRETARY

2. REGISTAR OF CO-OPERATIVE SOCIETIES,
UNION TERRITORY OF LAKSHADWEEP,
KAVARATHY- 682 555

BY ADV. SRI.P.R.RAMACHANDRA MENON
SRI.RAMACHANDRAN NAIR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.20992/2000

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE APPOINTMENT ORDER DATED 5.9.1966 OF THE 1ST RESPONDENT .

EXT.P2- TRUE COPY OF THE ORDER DATED 25.9.1986 ISSUED BY THE 1ST RESPONDENT

EXT.P3- TRUE COPY OF THEREQUEST MADE BY THE 1ST RESPONDENT TO 2ND RESPONDENT DATED 29.10.1999

EXT.P4- TRUE COPY OF THE ORDER DATED 30.11.1999 REJECTING THE REQUEST OF THE 1ST RESPONDENT.

EXT.P5- TRUE COPY OF THE OFFICE MEMORANDUM DATED 10.4.2000 OF THE ADMINISTRATION OF THE UNION TERRITORY OF LAKSHADWEEP, DEPARTMENT OF CO-OP. & CIVIL SUPPLIES, KAVARATHI

RESPONDENT'S EXHIBTS

EXT.R2(a)- TRUE COPY OF THE RESOLUTION NO.15 DATED 1.3.1997

EXT.R2(b)- TRUE COPY OF THE ORDER F.NO.7/29/86-CO-OP (VOLUME II) DATED 7.9.1989

EXT.R2(c).- TRUE COPY OF THE A.C.P.SCHEME/ OFFICE MEMORANDUM BEARING NO.35034/1/97- ESTT.(D) DATED 9.8.1999

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

O.P. 20992/2000 (y)

Dated this the 25th day of January, 2007

JUDGMENT

The petitioner was working as Packer under the first respondent. He was appointed as Peon on 5.9.1966. The posts of Peon and Packer are of the same scale of pay and are interchangeable. The petitioner had completed twenty years of continued service in the grade of Packer and he was sanctioned Packer Grade-I scale of pay, on 5.9.1986, as per the resolution dated 1.3.1997.

2. The Board of Directors certified that the petitioner had completed thirteen years of service as Packer Grade-I and his pay had been stagnated from 1.9.1995. There was no increment awarded, thereafter. The first respondent requested the second respondent to approve the award of the next Higher Grade with effect from 1.4.1997. The same was rejected by the second respondent. The petitioner is entitled to get Selection Grade to the next higher Grade with effect from 1.4.1997.

As recommended by the first respondent, the refusal is illegal. It is, therefore, prayed that Exts.P4 and P5, the denial of Selection Grade, may be set aside.

3. The counter affidavit had been filed by the respondents. In Ext.R2(b) dated 7.9.1989, guidelines had been issued to award Selection Grade to the deserving employees, who had been in the service for longer periods and had possessed required educational qualifications. The counsel for the respondents submits that, in respect of petitioner, Higher Grade had already been granted. Therefore, he is not entitled for selection Grade, as per Ext.R2(b) guidelines dated 7.9.1989.

4. Ext.P4 is dated 30.11.1999. It is clearly stated therein that he had been promoted as Grade-I Packer by the Board, with effect from 5.9.1986. That was the reason why he was not granted Selection Grade under Ext.R2(b). Ext.P5 dated 10.4.2000, is with regard to the request of the petitioner to promote him to the post of attender, as he was stagnated in the post of Packer Grade-I. It is submitted that there is no provision in the

bye-laws of the first respondent, to promote a person from Packer Grade-I to that of the attender. It was for that reason that Ext.P5 was issued, rejecting the request to promote him as attender. No provision had been placed before me to show that the petitioner is entitled to be promoted as attender. The counsel for the respondents submitted that the petitioner had retired from service.

5. In the above circumstances, I find that there is nothing survives in this petition and Exts.P4 and P5 do not require any interference.

The writ petition is closed as above.

J.M.JAMES
JUDGE

mrcs